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December 21, 2004

**VIA ELECTRONIC FILING**

The Honorable Benson E. Legg  
United States District Court  
for the District of Maryland  
Third Floor, Room 340  
101 W. Lombard Street  
Baltimore, MD 21201

Re: In the Matter of the Complaint of  
Eternity Shipping, Ltd., et al,  
For Exoneration from or Limitation of Liability  
Civil Action No.: L-01-CV-0250

Dear Judge Legg:

As a joint response to the courts letter of December 15, 2004, containing three questions, (i)-(iii) concerning an inconsistency between Mr. Whitman's letter of November 8, 2004 and my letter of November 19, 2004, I would advise the court as follows:

(i) The following Motions and Response to Motion for Summary Judgment refer to portions of the U.S. Coast Guard Report:

(a) Docket number 73-Claimant Tate & Lyle North American Sugars, Inc. Federal Rule of Civil Procedure 56 Motion for Summary Judgment and Memorandum in support as to Claimant Josephina Gonzales.

(b) Docket number 79-Motion of Claimant Tate & Lyle North American Sugars, Inc. for Sanctions for Spoliation of Evidence and for FRCP37(c) Sanctions for Failure to Disclose and Memorandum in Support.

(c) Docket number 93-Third Party Plaintiffs Response to American Bureau of Shipping's Motion for Summary Judgment.

(ii) As stated in paragraph (i) above there were references to the U.S. Coast Guard Report in Tate & Lyle's Motion for Summary Judgment against Gonzales. I had overlooked this in my proposal to the court of November 19, 2004. All counsel have agreed that, in addition to the actions set out in my November 19, 2004 letter, Tate & Lyle will file an Amended Motion for Summary Judgment against Gonzales deleting any reference to the U.S. Coast Guard Report at the same time that the Amended Response to ABS's Motion for summary Judgment is filed. Gonzales' Response to the Amended Motion for Summary Judgment will be due two weeks after this filing. If a Response is filed by Gonzales, Tate & Lyle's Reply Brief will be due in ten (10) days. The parties request that the proposal set forth in my letter of November 19, 2004 be amended as above.

(iii) See paragraph (ii)

As before, Tate & Lyle has prepared an Amended Motion for Summary Judgment against Gonzales and an Amended Response to ABS's Motion for Summary Judgment and is prepared to e-file these pleadings upon approval by the court of the parties proposal as amended.

Thank you for your consideration of this request.

Very truly yours,

James D. Skeen

cc: All counsel on record

JDS/mlh